

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL CONVEYORS LIMITED,

Plaintiff,

v.

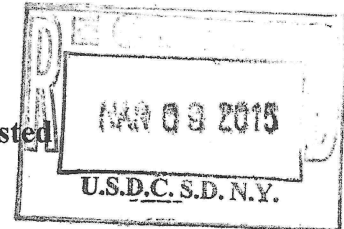
ICL AMERICA LTD.,

Defendant.

Case No.

15 CV 1747

Jury Trial Requested



COMPLAINT

Plaintiff International Conveyors Limited, by and through undersigned counsel, hereby files this Complaint against Defendant ICL America Ltd. and states and alleges as follows:

Nature of the Action

1. This is an action by International Conveyors Limited ("International Conveyors" or "Plaintiff") against Defendant ICL America Ltd. ("ICL America" or "Defendant") for trademark infringement, false designation or origin, cybersquatting, unfair trade practices, unfair competition, tortious interference and breach of contract. International Conveyors is a well-known international manufacturer and distributor of conveyor belts for industrial and mining purposes. In or about 1977, International Conveyors began using the trademark ICL to identify its conveyor belts in India. In or about 2002, International Conveyors began selling conveyor belts in the United States under the ICL trademark. Through extensive efforts to market and promote its conveyor belt products, International Conveyors developed substantial and valuable goodwill in and to its ICL trademark. As a result of such continuous use of the ICL trademark, International Conveyors

has common law trademark rights in the ICL mark. Defendant's improper and unauthorized use of International Conveyors' ICL trademark infringes its rights and has caused substantial damage.

Parties

2. Plaintiff International Conveyors Limited is an Indian corporation having its principal corporate office at 10, Middleton Row, Kolkata 700071, India.

3. Upon information and belief, Defendant ICL America Ltd. is a New York corporation having its principal place of business at 337 Merrick Road, Lynbrook, New York 11563.

Jurisdiction and Venue

4. This is an action for, among other things, trademark infringement under 15 U.S.C. § 1051 *et seq.*, trademark cybersquatting, breach of contract and for other common law claims and causes of action.

5. This Court has original jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

6. This Court also has original jurisdiction pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between International Conveyors and Defendant and because the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. This Court also has supplemental jurisdiction over the state law claims asserted herein since they are so related to those over which the Court has original jurisdiction as to form part of the same case or controversy. Therefore, this Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

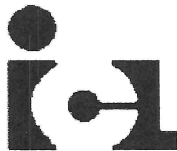
8. Defendant is subject to this Court's jurisdiction because it regularly conducts business in this District, it has committed the acts complained of in this District and its acts have caused harm in this District.

9. Venue is proper in the United States District Court for the Southern District of New York pursuant to at least 28 U.S.C. § 1391(b), (c) and (d).

General Allegations

10. International Conveyors was founded in India in 1973 and remains one of the fastest growing and largest manufacturers of industrial and mining conveyor belting products. International Conveyors is publicly traded on the Bombay Stock Exchange and the Calcutta Stock Exchange.

11. In or about 1977, International Conveyors began using the trademark ICL in India to identify its conveyor belting products. Also, in or about 1977, International Conveyors began using a unique logo for the ICL mark as follows:



Attached as Exhibit 1 is a Prospectus dated May 1977 sent to potential investors by International Conveyors which prominently features the ICL logo on the front cover.

12. The ICL trademark was coined by International Conveyors to reflect the acronym for “International Conveyors Limited.” The logo was created by a designer in India in or about 1977.

13. In or about July 2002, International Conveyors began selling conveyor belting products directly to customers in the United States. Those conveyor belting products were branded with the marks ICL, the ICL logo shown above as well as the trademark MINEPLAST. The